

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7063 OF 2004

1. The Press Trust of India
 Employees' Union
 Dr. D.N.Road, Mumbai 400 001. ... Petitioner

V/s

1. The Registrar of Trade Unions
 Tardeo, Mumbai 400 014.

2. Mr. B.T.Patil,
 7th Floor, Commerce Centre,
 Tardeo, Mumbai 400 014. ... Respondents.

Mrs. Jane Cox, Advocate for petitioner.

Mr. V.P.Malvankar, Advocate for respondents.

**CORAM: A.P.SHAH &
 S.U.KAMDAR, JJ**

DATE : 6TH SEPTEMBER, 2004.

P.C. :-

1. The present petition impugns an order dated 15th December, 2003 passed by the Labour Commissioner, Bombay. By the said order, the registration of the petitioner union which was cancelled by an earlier order dated 22nd November, 2002 is confirmed. Short facts of the present case are as under :

2. Since 1984, the Petitioner Union is a

registered Trade Union under the provisions of Trade Union Act, 1926. On 15th June, 1998 an application was preferred by the Petitioner Union before the Industrial Court under the provisions of MRTU & PULP Act, 1971 seeking recognition of the petitioner union as a recognised union. Various records were forwarded in support of the said application. On 21st July, 2000, an application in favour of the petitioner was granted and the petitioner union was treated as recognised union under the provisions of said MRTU & PULP Act, 1971.

3. On 7th January, 2002, the petitioner received their audited accounts for a period of 1997 to 2000. On 8th April, 2002, the petitioners were called upon by the Second Respondent to file their audited accounts for the aforesaid period. Since the said accounts were not filed on 22nd November, 2002 an order came to be passed by the second respondent interalia stating therein that the registration of the petitioner union is cancelled. This order came to be challenged in the writ petition by the petitioner union being Writ Petition No. 7583 of 2003. On 11th November, 2003, an order came to be passed in the said writ petition No. 7583 of 2003 by which the Division

Bench of this Court remanded the matter back to the authorities after setting aside the order dated 22nd November, 2002 and directing the authorities to decide the application of the petitioner under section 28-A(2) of the Trade Union Act, 1926. It is the case of the petitioner that the General Secretary of the Petitioner met the second respondent on 10th December, 2003 and showed him all the relevant documents. However, the second respondent asked him to submit the audited accounts for a period of 1997 to 2000 by 15th December, 2003. According to the petitioner the General Secretary of the Union was ill and therefore could not attend the office of the second respondent on that day and sought an adjournment in the matter.

4. It is further case of the petitioner union that some time at the end of December, 2003, the petitioner came to know that the second respondent had passed an order cancelling the registration of the petitioner union for non-compliance of the requirement of submitting accounts. The petitioner however on 8th January, 2004 which is subsequent to the order dated 15th December, 2003 filed the audited accounts for a period of 1997 to 2000 with the second respondent.

5. By the present petition, the petitioners are challenging the said order dated 15th December, 2003 under which the registration of the petitioner union has been cancelled.

6. We have perused the order dated 15th December, 2003. On plain reading of the said order, it is obvious that the petitioners are not co-operating with the second respondent and not filing the necessary documents as required and called upon by the second respondent. However, it is the case of the petitioner that the said document has been filed on 8th January, 2004. Whereas the learned advocate appearing for the second respondent on instructions states that even the said accounts which are filed for the period of 1997-2000 are still incomplete and therefore, there is non compliance of the requirement by the petitioner union.

7. In view of the fact that the cancellation of the registration of the petitioner union would likely to seriously affect various members of the petitioner union. We are of the view that without going into merits of the matter, a last opportunity should be extended to the petitioner union to comply with the

requirements as indicated by the second respondent. Accordingly, we set aside the said order dated 15th December, 2003 and remand the matter back to the second respondent for fresh consideration. We direct that the petitioner union will furnish the necessary and complete accounts to the second respondent on or before 17th September, 2004 and shall appear at 11 O'Clock on 20th September, 2004 for hearing before the said authority. We further direct that the 2nd respondent after hearing petitioner and satisfying that the requirements of registration of the petitioner union are duly complied with shall pass necessary speaking order either confirming registration of the petitioner union or cancelling registration thereof. The Respondent No.2 shall pass the said order within a period of 3 months from today.

8. With the aforesaid directions we dispose of petition. However, there is no order as to cost.

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